

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

:
: 1:17-cr-290-GHW

-v-

ELVIN MALDONADO, :

Defendant. :

X

ORDER

GREGORY H. WOODS, United States District Judge:

On August 27, 2021, a supplemental brief requesting that the Court grant Mr. Maldonado compassionate release was filed. Dkt. No. 655. The brief refers to “Maldonado’s pending motion under 18 U.S.C. § 3582(c)(1)(a) . . .” and provides additional information in support of the application. However, Mr. Maldonado’s application is no longer pending. On May 16, 2021, the Court issued an order denying Mr. Maldonado’s application for compassionate release. Dkt. No. 651. Nonetheless, the Court has reviewed Mr. Maldonado’s supplemental brief, and has concluded that none of the information included in it would result in a change to the Court’s prior decision. While the Court acknowledges the prevalence of the Delta variant of COVID-19; at the same time, the is aware that vaccination within the BOP system for COVID-19 is broadly available. In sum, having evaluated all of the relevant factors under 18 U.S.C. § 3582(c)(1)(A), including the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court continues to believe that a reduction in Mr. Maldonado’s sentence is not appropriate at this time.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/5/2021

The Clerk of Court is directed to mail a copy of this order, as well as the Court's order at Dkt. No. 651, to Mr. Maldonado. The Clerk of Court is further directed to terminate the motion pending at Dkt. No. 645.

SO ORDERED.

Dated: September 5, 2021
New York, New York



GREGORY H. WOODS
United States District Judge